IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 38135 of 2003(M)

PETITIONER:

SUNIL RAJ, "KESARI", OLATHARNI,
NEYYATTINKARA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:
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1. THE SECRETARY,
KERALA KHADI AND VILLAGE INDUSTRIES BOARD,
VANCHIYOOR, TRIVANDRUM

2. THE PROJECT OFFICER, KERALA KHADI AND
VILLAGE INDUSTRIES BOARD, VANCHIYOOR, TRIVANDRUM.

3. THE STATE DIRECTOR KHADI AND VILLAGE
INDUSTRIES COMMISSION, THIRUVANANTHAPURAM.

BY ADV. SRI.V.V.JOSHI, SC, KHADI BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 38135/2003 M

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS NO. 4531/97/LMI/H.B. DT. 9/1/98.

EXT.P2. COPY OF THE NOTICE DT.21/08/2003.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.38135 of 2003

Dated 14th March, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To issue a writ of certiorari or any other appropriate writ order or direction calling for the records leading to Ext.P2 and to set aside the same.
>
> (ii) To issue a writ of mandamus or any other appropriate writ order or direction directing the respondents not to demand the petitioner to repay the unutilized loan amount or interest.
>
> (iii) To hold that the petitioner's liability of repayment is limited only to the extend of utilized loan amount."

There is an interim order dated 3.12.2003, which reads as follows :-

> "There will be an interim stay against recovery of the unutilized loan amount and the interest claimed thereon. However, the Board is free to recover the balance amount with interest if not paid in one month. The petitioner will remit the balance availed or utilized amount of loan with interest within one month from now."

Having regard to the dispute on the interpretation of agreement executed by the petitioner while availing the loan, I am of the view that this is a case where the petitioner has to approach the first respondent. In the above circumstances, the writ petition is

disposed of as follows :-

In the event of the petitioner approaching the first respondent within two months from today, the matter will be duly considered and appropriate orders in accordance with law with notice to the petitioner will be passed within another three months. The interim order referred to above will continue till such time.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 14th March, 2007.